

REGULAR MEETING OF THE CITY COUNCIL

October 11, 1993

The Regular Meeting of the Annapolis City Council was held on Monday, October 11, 1993 in the Council Chamber. Mayor Hopkins called the meeting to order at 7:30 p.m. Mayor Hopkins offered the invocation followed by the Pledge of Allegiance.

Present on Roll Call: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, DeGraff, Turner, Moyer

Alderman Snowden arrived at 7:39 p.m.

Staff Present: City Attorney Hodgson, Planning and Zoning Director Fogarty, Public Works Director Patmore

Alderman Turner moved to approve the Minutes of 9/13/93, 9/27/93 and 9/27/93 (Closed). Seconded. CARRIED on voice vote.

Pursuant to the requirement of Maryland Annotated Code, State Government Article Section 10-509(c)(2), these statements are included in these minutes:

- (1) A closed session of the City Council was held at 7:32 p.m., Monday, October 4, 1993, in the City Council Chamber.

Members Present: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, Turner, DeGraff, Moyer, City Attorney Hodgson, City Administrator Mallinoff and City Clerk Bembe.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Section 10-508(a)(9). The purpose of the meeting was to discuss the conduction of collective bargaining negotiations or consideration of matters that relate to the negotiations. The session was closed by unanimous consent. The following action was taken:

Alderman Moyer moved to accept the document entitled "Memorandum of Understanding between the City of Annapolis and UFCW Local 400" dated 10/4/93 as the Council's position on labor negotiations. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Sachs, Snowden, Turner, DeGraff, Moyer
ABSTAIN: Alderman Gilmer
CARRIED: 8-0-1

- (2) A closed session of the City Council was held at 7:11 p.m., Monday, October 11, 1993, in the City Council Chamber.

Members Present: Mayor Hopkins, Aldermen Hammond, Johnson, Sachs, Turner, DeGraff, Moyer, City Attorney Hodgson, and City Clerk Bembe.

The authority under which the session was closed was Maryland Annotated Code, State Government Article, Sections 10-508(a)(8) and (9). The purpose of the meeting was:

- (1) Consultation with staff, consultants or other individuals about pending or potential litigation; and
- (2) Conduction of collective bargaining negotiations or consideration of matters that relate to the negotiations.

The session was closed by unanimous consent. The following action was taken:

(1) Baltimore Gas & Electric Company v. City of Annapolis, Circuit Court for Anne Arundel County, Case No. C-91-1009AA

Following discussion, Alderman Turner moved to reject the settlement proposal offered by Baltimore Gas and Electric Company. Seconded. CARRIED on voice vote.

(2) Union negotiations - No action taken.

PETITIONS, REPORTS AND COMMUNICATIONS

1. Jacqueline Douglas
1224 Madison Street
Annapolis, Md. 21403
Spoke in support of Ordinance O-34-93;
2. Sharon Tongue
304 President Street
Annapolis, Md. 21403
Spoke in support of Ordinance O-36-93;
3. Roger C. Blau
1118 Boucher Avenue
Annapolis, Md. 21403
Spoke in support of Ordinance O-40-93.

ACTION ON APPLICATIONS AND APPEALS

1. Application of Apple Signs to install a double-faced pedestal sign 5'4" by 7'2" on each side for a total of 78.6 square feet at Meridian Health Care, Milkshake and Hilltop Lanes, Annapolis.

Alderman Gilmer moved to approve the application of Apple Signs to install a double-faced pedestal sign 5'4" by 7'2" on each side for a total of 78.6 square feet at Meridian Health Care, Milkshake and Hilltop Lanes, Annapolis. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, Turner, DeGraff, Moyer

CARRIED: 8-0

2. Application of Pasadena Sign Co. to install a double-faced pole sign 6' by 7'8" on each side for a total of 92 square feet at Shorewash of Annapolis, 1918 West Street, Annapolis.

Planning and Zoning Director Fogarty gave a brief report.

Alderman DeGraff moved to approve the application of Pasadena Sign Co. to install a double-faced pole sign 6' by 7'8" on each side for a total of 92 square feet at Shorewash of Annapolis, 1918 West Street, Annapolis. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

3. **R-45-93** For the purpose of approving the application of Pizza Hut of Maryland, Inc. and Eastport Plaza Limited Partnership for a conditional use to establish a

3,842 square foot fast food restaurant, with 114 seats, carryout service and home delivery, located at Eastport Shopping Center, 1007A Bay Ridge Avenue in the City of Annapolis, subject to certain conditions; and all matters relating to said conditional use.

Alderman Snowden moved to adopt R-45-93. Seconded.

Alderman Hammond moved to amend R-45-93 as follows:

On page 2, line 38, strike "8:00 p.m. in the evening" and substitute "midnight".

Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Gilmer, Sachs
NAYS: Aldermen Johnson, Snowden, Turner, DeGraff, Moyer
DEFEATED: 5-4

A ROLL CALL vote was taken on the main motion.

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, Snowden,
Turner, DeGraff, Moyer
CARRIED: 9-0

LEGISLATIVE ACTION

1. **O-11-93** Sponsored by Alderman Gilmer

For the purpose of establishing the Business Corridor Enhancement (BCE) District; and all matters relating to said District.

Alderman Snowden moved to adopt O-11-93 on second reading. Seconded.

Alderman Sachs moved to amend O-11-93 as follows:

Amendment No. 1

On Page 6, line 15, immediately following "FEET", add the following:

EXCEPT THAT ANY LOTS OR PARCELS OF LAND CREATED AFTER _____ (DATE OF ADOPTION) SHALL NOT HAVE DIRECT CURB CUT OR DRIVEWAY ACCESS TO ROADS FUNCTIONALLY CLASSIFIED AS MAJOR OR MINOR ARTERIAL ROADS IN THE COMPREHENSIVE PLAN.

Amendment No. 2

On Page 17, line 13, immediately following the period, add the following:

IT IS THE FURTHER OBJECTIVE OF THE BCE ZONE TO MINIMIZE CURB CUTS AND DRIVEWAYS BY DENYING DIRECT ACCESS FOR ANY NEW LOTS CONVERTED AFTER _____ (DATE OF ADOPTION).

Seconded. CARRIED on voice vote.

Alderman Sachs moved to amend O-11-93 as follows:

Amendment No. 1

On Page 3, strike line 43; on that same page, strike line 45; on page 4, strike line 6; and renumber accordingly.

Amendment No. 2

On page 3, line 48, immediately following "MISCELLANEOUS" add "EXCEPT FOOD SERVICE MARTS".

Amendment No. 3

On Page 5, line 14, add the following:

M. RETAIL USES OF LESS THAN TWENTY-FIVE THOUSAND SQUARE FEET OF GROSS FLOOR AREA.

Amendment No. 4

On Page 5, line 38, add the following:

J. CONVENIENCE STORE

K. LIQUOR STORE

L. SUPERMARKET

M. RETAIL USES OF GREATER THAN TWENTY-FIVE THOUSAND SQUARE FEET OF GROSS LEASABLE AREA

N. FOOD SERVICE MART

Seconded. CARRIED on voice vote.

Alderman Gilmer moved to amend O-11-93 as follows:

Amendment No. 1

On Page 3, line 40, immediately following "SERVICE" add " - SUBJECT TO THE SPECIFIC STANDARDS OF SECTION 21.30.025".

Amendment No. 2

On Page 4, line 7, strike "TAVERN, BAR."

Amendment No. 3

On Page 6, line 39, strike "FORTY-EIGHT" and substitute "FORTY-FIVE".

Amendment No. 4

On Page 11, line 22, immediately following "RESTAURANTS" add "AND BARS".

Amendment No. 5

On Page 12, line 6, immediately following "UTILITY" add the following:

USES: ONE SPACE FOR EACH TWO EMPLOYEES PLUS ADDITIONAL SPACES AS DETERMINED BY THE DIRECTOR OF PLANNING AND ZONING TO SERVE THE PUBLIC.

Amendment No. 6

On Page 12, line 34 add the following:

12. RELIGIOUS INSTITUTIONS: ONE SPACE FOR EACH SIX SEATS.

Amendment No. 7

On Page 13, line 35, immediately following "SQUARE FEET" add ".60 SQUARE FEET PER FACE".

Amendment No. 8

On Page 14, line 24, strike "7" and substitute "5".

Amendment No. 9

On Page 17, line 45 strike "THIRTY (30)" and substitute "TWENTY-FIVE (25)"

Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-11-93 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-11-93 Amended on third reading. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

2. **O-34-93** Sponsored by Alderman Turner

For the purpose of authorizing the conveyance of all its rights, title and interest, if any in and to a strip of ground, being a portion of an unimproved street known as Beale Street, to adjacent property owners whose property is contiguous to said parcel of ground; providing for the property to be sold at private sale; and all matters relating to said authorization.

Alderman Turner moved to adopt O-34-93 on second reading. Seconded.

The Finance Committee reported favorably with amendments on O-34-93.

Alderman Hammond moved to amend O-34-93 as follows:

Amendment No. 1

On Page 3, line 4, add the following and renumber subsequent paragraphs accordingly:

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the property subject to this Ordinance shall be encumbered by a covenant that prohibits the use of the property acquired to create a new building lot.

Seconded. CARRIED on voice vote.

Alderman Turner moved to adopt O-34-93 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Turner moved to adopt O-34-93 Amended on third reading. A ROLL CALL vote

was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, Turner,
DeGraff, Moyer

CARRIED: 8-0

3. **O-36-93** Sponsored by Alderman Turner

For the purpose of authorizing the conveyance of all its rights, title and interest, if any, in and to a strip of ground, being a portion of an unimproved street known as Windsor Avenue, to the adjacent property owner whose property is contiguous to said parcel of ground; providing for the property to be sold at private sale; and all matters relating to said authorization.

There being no voiced objection, O-36-93 was postponed to the November 8, 1993 meeting.

4. **O-40-93** Sponsored by Alderman Turner

For the purpose of authorizing the conveyance of all its rights, title and interest, if any, in and to a strip of ground, being a portion of an unimproved street known as Beale Street, to the adjacent property owner whose property is contiguous to said parcel of ground; providing for the property to be sold at private sale; and all matters relating to said authorization.

Alderman Turner moved to adopt O-40-93 on second reading. Seconded.

The Finance Committee reported favorably with amendments on O-40-93.

Alderman Hammond moved to amend O-40-93 as follows:

Amendment No. 1

On Page 2, line 20, immediately following "ground" insert "for a consideration of One Dollar".

Amendment No. 2

On Page 2, strike in their entirety lines 43 through 45, inclusive.

Amendment No. 3

On Page 3, line 4, add the following and renumber subsequent paragraphs accordingly:

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the property subject to this Ordinance shall be encumbered by a covenant that prohibits the use of the property acquired to create a new building lot.

Seconded. CARRIED on voice vote.

Alderman Turner moved to adopt O-40-93 Amended on second reading. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, Turner,
DeGraff, Moyer
CARRIED: 8-0

Alderman Turner moved to adopt O-40-93 Amended on third reading. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, Turner,
DeGraff, Moyer
CARRIED: 8-0

5. **O-41-93** Sponsored by Alderman Moyer

For the purpose of authorizing the conveyance of all its rights, title and interest, if any, in and to a strip of ground, being a portion of an unimproved street known as Beach Avenue (now Horn Point Drive), to the adjacent property owner whose property is contiguous to said parcel of ground; providing for the property to be sold at private sale; and all matters relating to said authorization.

Alderman Turner moved to adopt O-41-93 on second reading. Seconded.

The Finance Committee reported favorably with amendments on O-41-93.

Alderman Hammond moved to amend O-41-93 as follows:

Amendment No. 1

On Page 2, line 21, immediately following "ground" insert "for a consideration of One Dollar.".

Amendment No. 2

On Page 2, strike in their entirety lines 43 through 45, inclusive.

Amendment No. 3

On Page 3, line 4, add the following and renumber subsequent paragraphs accordingly:

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the property subject to this Ordinance shall be encumbered by a covenant that prohibits the use of the property acquired to create a new building lot.

Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt O-41-93 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt O-41-93 Amended on third reading. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, Turner,
DeGraff, Moyer
CARRIED: 8-0

6. **O-47-93** Sponsored by Alderman Turner

For the purpose of authorizing the conveyance of all its rights, title and interest, if any, in and to a strip of ground, being a portion of an unimproved street known as Windsor Street, to the adjacent property owner whose property is contiguous to said parcel of ground; providing for the property to be sold at private sale; and all matters relating to said authorization.

Alderman Turner moved to adopt O-47-93 on second reading. Seconded.

The Finance Committee reported favorably with amendments on O-47-93.

Alderman Hammond moved to amend O-47-93 as follows:

Amendment No. 1

On Page 2, line 21, immediately following "ground" insert "for a consideration of One Dollar".

Amendment No. 2

On Page 2, strike in their entirety lines 43 through 45, inclusive.

Amendment No. 3

On Page 3, line 4, add the following and renumber subsequent paragraphs accordingly:

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the property subject to this Ordinance shall be encumbered by a covenant that prohibits the use of the property acquired to create a new building lot.

Seconded. CARRIED on voice vote.

Alderman Turner moved to adopt O-47-93 Amended on second reading. Seconded. CARRIED on voice vote.

Alderman Moyer moved to adopt O-47-93 Amended on third reading. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, DeGraff, Moyer

CARRIED: 7-0

7. **O-46-93** Sponsored by Alderman Snowden

For the purpose of creating the Committee on Education; establishing the membership, powers and duties; and all matters relating to said Committee.

Alderman Snowden moved to adopt O-46-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Rules Committee.

8. **O-48-93** Sponsored by Alderman Snowden

For the purpose of repealing the prohibition against the City of Annapolis investments in companies doing business with or in the Republic of South Africa; and all matters relating to said the repealing of the provisions of Ordinance O-2-86.

Alderman Snowden moved to adopt O-48-93 on first reading. Seconded. CARRIED on voice vote.

Alderman Gilmer moved to suspend the rules to dispense with the second reading on O-48-93. Seconded. CARRIED on voice vote.

Alderman Snowden moved to adopt O-48-93 on third reading. Seconded. CARRIED on voice vote.

9. **O-49-93** Sponsored by Alderman Hammond

For the purpose of defining bed and breakfast home; exempting certain bed and breakfast homes from certain provisions of Title 21; providing that certain uses shall be permitted subject to standards in the C1 District; and all matters relating to said bed breakfast homes.

Alderman Snowden moved to adopt O-49-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

10. **O-50-93** Sponsored by Alderman Hammond

For the purpose of establishing the C1A Special Conservation Residence District; and all matters relating to said district.

Alderman Snowden moved to adopt O-50-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

11. **O-51-93** Sponsored by Alderman Hammond

For the purpose of establishing the C2A Special Conservation Business District; and all matters relating to said district.

Alderman Snowden moved to adopt O-51-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

12. **O-52-93** Sponsored by Alderman Hammond

For the purpose of establishing the C2P Conservation Professional District; and all matter relating to said district.

Alderman Snowden moved to adopt O-52-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

13. **O-53-93** Sponsored by Alderman Moyer

For the purpose of restricting the height of detached garages in certain residential zoning districts; permitting height variances for detached garages in certain circumstances; and requiring site design plan review approval for all projects requiring variances; and all matters relating to said detached garages.

Alderman Snowden moved to adopt O-53-93 on first reading. Seconded. CARRIED on voice vote.

Referred to the Planning and Zoning Commission.

BUSINESS AND MISCELLANEOUS

1. **R-43-93** Sponsored by Alderman Gilmer

For the purpose of adopting the Central and Outer West Street Corridor Study; and all matters related to said Study.

Alderman Gilmer moved to adopt R-43-93. Seconded.

Alderman Sachs moved to amend R-43-93 as follows:

Amendment No. 1 to the "Central and Outer West Street Corridor Land Use and Urban Design Plan".

On Page IV-15, at the end of the first paragraph, add the following:

The plan supports the retention of the West Street/Chinquapin Round Road industrial area. The recommendation to rezone the land fronting Chinquapin Round Road is made in order to both recognize the changing nature of this corridor and to remove commercial pressures from the light industrial area by increasing the overall inventory of developable commercial property.

Amendment No. 2 to the "Central and Outer West Street Corridor Land Use and Urban Design Plan".

On Page VI-1, first paragraph entitled "Land Use Plan Concept", add the following language:

The land use plan concept recognizes the importance of the West Street industrial area to the community and encourages the preservation of these light industrial uses. By rezoning the properties fronting Chinquapin Round Road, the plan recognizes first that these properties currently have a stronger retail than industrial character, and second, that increasing the inventory of commercial property will decrease such commercial pressures on the remaining adjacent industrial land.

Seconded. CARRIED on voice vote.

Alderman Johnson moved to amend R-43-93 as follows:

Amendment No. 1:

On page 1, line 32 immediately following "Chapter V" insert "and any transportation issues"; and on page 1, line 35 immediately following "Zoning" insert ", the planning and Zoning Commission and the Transportation Advisory Board"; and on page 1, line 35 immediately following "review" insert "which is to be completed and returned to the City Council by March 31, 1994".

Seconded. CARRIED on voice vote.

The main motion, as amended, CARRIED on voice vote.

2. **R-46-93** For the purpose of extending for a certain period of time the conditional use authorization granted pursuant to Resolution R-50-92.

Alderman DeGraff moved to adopt R-46-93. Seconded. CARRIED on voice vote.

3. **R-47-93** For the purpose of extending for a certain period of time the conditional use authorization granted pursuant to Resolution R-56-92.

Alderman Snowden moved to adopt R-47-93. Seconded. CARRIED on voice vote.

4. **R-48-93** Sponsored by Aldermen Gilmer, Turner, DeGraff

For the purpose of appealing to the management of the Annapolis Mall to allow Annapolis City buses providing transportation services to that location to discharge its passengers which include many elderly individuals at or near a primary Mall entrance; and all matters relating to Annapolis bus service to Annapolis Mall.

Alderman DeGraff moved to adopt R-48-93. Seconded. CARRIED on voice vote.

5. **R-49-93** Sponsored by Alderman Gilmer

For the purpose of adjourning the City Council meeting of October 11, 1993; and all matters relating to said adjournment.

There being no voiced objection, R-49-93 was withdrawn by its sponsor.

6. **R-50-93** Sponsored by Aldermen Johnson, Moyer

For the purpose of establishing the City of Annapolis as a Community Energy Showcase city under the Strategic Energy Plan of Maryland; and all matters relating to said program.

Alderman Snowden moved to adopt R-50-93. Seconded. CARRIED on voice vote.

7. Ratification of collective bargaining agreement - AFSCME Local 3406

Alderman Snowden moved to adopt the collective bargaining agreement between the City of Annapolis and Local 3406, Maryland Public Employees Council 67, AFSCME dated 7/13/93 with amendments as set forth in a letter dated 10/6/93 to Mr. Thomas Kelleher from Jonathan A. Hodgson, City Attorney. Seconded. A ROLL CALL vote was taken:

YEAS: Mayor Hopkins, Aldermen Hammond, Johnson, Gilmer, Sachs, Snowden, Turner, DeGraff, Moyer

CARRIED: 9-0

8. Economic Matters Committee Minutes of 9/15/93 and 9/23/93

Alderman DeGraff moved to adopt the Economic Matters Committee Minutes of 9/15/93 and 9/23/93. Seconded. CARRIED on voice vote.

9. Risk Management Committee Minutes of 9/15/93

Alderman Snowden moved to adopt the Risk Management Committee Minutes of 9/15/93. Seconded. CARRIED on voice vote.

10. Rules Committee Minutes of 9/20/93

Alderman Snowden moved to adopt the Rules Committee Minutes of 9/20/93. Seconded. CARRIED on voice vote.

11. Housing and Community Development Committee Minutes of 9/22/93

Alderman Snowden moved to adopt the Housing and Community Development Committee Minutes of 9/22/93. Seconded. CARRIED on voice vote.

12. Finance Committee Minutes of 9/30/93

Alderman Hammond moved to adopt the Finance Committee Minutes of 9/30/93. Seconded. CARRIED on voice vote.

13. Payment of monthly bills

Alderman Hammond moved to pay the monthly bills. Seconded. CARRIED on voice vote.

14. Appointments

Alderman Snowden moved to confirm the Mayor's appointments of the following named persons as set forth in Memoranda from Mayor Alfred A. Hopkins dated 10/5/93, 10/6/93 and 10/8/93:

Maritime Advisory Board

Tarrant H. Lomax
Richard J. Dein

Commission on Aging

Marjorie Q. Gibson

Annapolis Conservancy Board

Yolanda Takesian

Human Relations Commission

Diane K. Diamond

Seconded. CARRIED on voice vote.

Upon motion duly made, seconded and adopted, the meeting was adjourned at 8:55 p.m.